

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 687

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO FEES; AMENDING SECTION 1-1623, IDAHO CODE, TO PROVIDE AN ADDITIONAL SOURCE OF MONEYS FOR THE IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM TECHNOLOGY FUND; AMENDING SECTION 1-1625, IDAHO CODE, TO PROVIDE AN ADDITIONAL SOURCE OF MONEYS FOR THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201H, IDAHO CODE, TO ESTABLISH AN EMERGENCY SURCHARGE FEE AND TO REQUIRE THE DEPOSIT OF SUCH FEES INTO CERTAIN FUNDS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1-1623, Idaho Code, be, and the same is hereby amended to read as follows:

1-1623. IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM (ISTARS) TECHNOLOGY FUND. There is hereby created in the office of the state treasurer the ISTARS technology fund. Moneys deposited into the fund pursuant to sections 31-3201, 31-3201A, 31-3201H and 31-3221, Idaho Code, upon appropriation by the legislature, shall be used by the supreme court for the purpose of maintaining, replacing and enhancing the Idaho Statewide Trial Court Automated Records System (ISTARS) program, and other technologies that assist in the efficient management of the courts, including a system for payments by credit card or debit card as provided in section 31-3221, Idaho Code, or that improve access to the courts and court records. The ISTARS technology fund shall be separate and distinct from the state general fund, and expenditures from the ISTARS technology fund shall be solely dedicated to the purposes set forth in this section. Moneys deposited into the fund may be allowed to accumulate from year to year for designated maintenance, replacement, extension or enhancement of the ISTARS program and for other technologies that assist in the efficient management of the courts. Interest earned on the investment of idle moneys in the ISTARS technology fund shall be returned to the ISTARS technology fund.

SECTION 2. That Section 1-1625, Idaho Code, be, and the same is hereby amended to read as follows:

1-1625. DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND. There is hereby created in the office of the state treasurer a special fund to be known as the drug court, mental health court and family court services fund. Moneys deposited into the fund pursuant to sections 19-4705, ~~and 23-217~~ and 31-3201H, Idaho Code, subject to appropriation by the legislature, shall be used by the supreme court for the operations of drug courts and mental health courts, including drug testing, substance abuse treatment and supervision, mental health assessment, treatment and supervision, and

1 related court programs, as provided in chapter 56, title 19, Idaho Code, for
2 the purpose of assisting children and families in the courts, as provided in
3 chapter 14, title 32, Idaho Code, and for other court services as provided by
4 statute.

5 SECTION 3. That Chapter 32, Title 31, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 31-3201H, Idaho Code, and to read as follows:

8 31-3201H. EMERGENCY SURCHARGE FEE. (1) The court shall charge an emer-
9 gency surcharge fee to be paid by each defendant for each criminal offense or
10 infraction, committed on or after April 15, 2010, and before or on June 30,
11 2013, for which the defendant is found or pleads guilty. Such fee shall be in
12 addition to all other fines and fees levied.

13 (2) The amount of the emergency surcharge fee shall be as follows:

14 (a) For each felony, the fee shall be one hundred dollars (\$100);

15 (b) For each misdemeanor, the fee shall be fifty dollars (\$50.00); and

16 (c) For each infraction, the fee shall be ten dollars (\$10.00).

17 (3) The fee shall be collected by the clerk of the district court and
18 shall be paid to the county treasurer, who shall, within five (5) days af-
19 ter the end of the month, pay such fees to the state treasurer, who shall
20 deposit eighty percent (80%) of such fees in the drug court, mental health
21 court and family court services fund created by section 1-1625, Idaho Code,
22 and twenty percent (20%) of such fees in the Idaho statewide trial court au-
23 tomated records system (ISTARS) technology fund created by section 1-1623,
24 Idaho Code.

25 SECTION 4. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after its
27 passage and approval.